

**Notice of Allowability**

Application No.

10/784,301

Examiner

D. I. Lee

Applicant(s)

KAWAI, HIROAKI

Art Unit

2876

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/14/05.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☒ The drawings filed on 24 February 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☒ Certified copies of the priority documents have been received in Application No. 09/955,973.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 050610.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

D. I. Lee  
Primary Examiner  
Art Unit: 2876

## EXAMINER'S AMENDMENT

1. Receipt is acknowledged of the Amendment filed 14 April 2005. Claims 1-4 have been amended and claim 5 has been newly added. Currently, claims 1-5 are pending in the application.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mark Henry on June 14, 2005 (see attached PTO-413).

The application has been amended as follows:

### IN THE CLAIM:

3. **Re claim 1, line 3:** "measuring the an operator's" has been changed to -- measuring an operator's --; and

4. **Re claim 5:** Claim 5 has been canceled without prejudice and/or traverse

### *Allowable Subject Matter*

5. Claims 1-4 are allowed.

6. The following is an examiner's statement of reasons for allowance:

**Prior Admitted by the applicant [PAAA]** teaches that a conventional bar code reader 20 having a reading unit for reading a code provided to a commodity; an operator setting information collecting unit or storing unit which collects an uniformly determined or a default operator setting information depending the uniformly determined or default personal features of operators engaged in operation for reading the code (i.e., the regardless of the individual operator setting information or personal features); a setting unit sets operation standard on the

Art Unit: 2876

basis of the uniformly determined or default operator setting information before the operation, i.e., the person in charge of the manufacturer of the barcode reader is allowed to set initially or set again the setting information, thus, the setting operation takes place prior to the operation of the bar code reader; a controller monitors all operation of the reading unit, which obviously includes the operation of monitoring whether the operation of the reader conforms to the preset operation standard or not.

**Takumi [JP 06-259002]** teaches a system enables each operator to set individual information based on the personal information or personal features including an operator's habit, the feature, an capacity (see the abstract). The abstract of the Takumi states that the personal features include an operator's habit, the feature, an capacity, and etc. The operator's habit includes the rhythm of the operator. When operating the apparatus, the specific rhythm of one operator would be also a personal feature that includes the person's movement, which is a varying characteristic of the operator. A setting reading unit (bar code reader) reads the individual operator setting information based on the personal information or personal features before operation.

One of ordinary skill in the art would not have been motivated to modify the teachings of PAAA and Takumi, alone or in combination with other references, in order to provide an apparatus, for reading a code given to a commodity, including a measuring unit that measures a reading time and an operation interval during the scanning of codes given to a plurality of test articles prepared for measuring an operator setting information as personal features of operator to be engaged in scanning codes, a collecting unit that collects the operator setting information for a specific operator to be engaged in scanning code and stores the operator setting information in a portable recording medium, and a setting unit that sets an operation standard on the basis of the individual operator setting information read by a reading unit that reads pertinent individual operator setting information from the portable recording medium, as set forth in the claims.

Art Unit: 2876

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Bockholt et al. [US 4,488,679] teaches different people each uses bar code reader differently, e.g., the varying velocities of the hand held wand for each users or the angle of the code to be read when passed by a fixed reader.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



D. I. Lee  
Primary Examiner  
Art Unit 2876